

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

GERALD LEE MCCARTY

Plaintiff(s)

v.

WILLIAM E. SMITH; ARCHIE BRUTON

Defendant(s)

**Judgment in a Civil Case**

Case Number: 5:09-CT-3126-D

**Decision by Court.**

This action came before the Honorable James C. Dever III, United States District Judge, for frivolity review pursuant to 28 U.S.C. § 1915.

**IT IS ORDERED AND ADJUDGED** that the section 1983 claim for denial of access to the courts is dismissed for failure to state a claim and the request for injunctive relief is dismissed as moot.

This Judgment Filed and Entered on November 30, 2010, with service on:

Gerald Lee McCarty 0621409, Nash Correctional Institution, P.O. Box 600, Nashville, NC 27856 (via U.S. Mail)

November 30, 2010

/s/ Dennis P. Iavarone

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Clerk